IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10269 of 2005

Between:

MAHARASTRA STATE SEEDS COSRPORATION LIMITED, Represented by the Regional Manager, Sri K.G.DESHMUKH,

S/o. Sri G.DESHMUKH, White House, Kallur, Near Handri River Bridge, Kurnool (Post and District)

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep.by the Principal Secretary Agriculture and cooperation (Marketing) Department , Secretariat, Hyderbad(A.P.,)
2 Commissioner and director of Marketing, Burgula Ramakrishna Rao Building Near Tank Bund, Hyderbad(A.P.,)
3 Director General Vigilance and Enforcement Govt of A.P., Burgula

Ramakrishna Rao Building, Near Tank Bund, Hyderbad(A.P.,)
4 Agricultural Market Committee Represented by the Secretary, KURNOOL - 518003 (A.P)
5 Agricultural Market Committee Represented by the Secretary, NIZAMABAD (Post and District)
6 Agricultural Market Committee Represented by the Secretary, Hyderbad(A.P.,)
7 Agricultural Market Committee Represented by the Secretary, Nandyal, Kurnool District.
8 Agricultural Market Committee Represented by the Secretary, Adoni, Kurnool District.
9 Agricultural Market Committee Represented by the Secretary, Kadapa District.
10 Agricultural Market Committee Represented by the Secretary, Proddutur, Kadapa District.

11 Agricultural Market Committee Represented by the Secretary, Mydukur, Kadapa District.
12 Agricultural Market Committee Represented by the Secretary, Ananthapur (Post and District)
13 Agricultural Market Committee Represented by the Secretary, Armoor, Nizamabad District.
14 Agricultural Market Committee Represented by the Secretary, Nirmal, Adilabad District.
15 Agricultural Market Committee Represented by the Secretary, Bhainasa, Adilabad District.
16 Agricultural Market Committee Represented by the Secretary, Boath Adilabad District.
17 Agricultural Market Committee Represented by the Secretary, Utnoor Head quarters at Indravalli Post, Adilabad District.
18 Agricultural Market Committee Represented by the Secretary, Ichoda, Adilabad District.
19 Agricultural Market Committee Represented by the Secretary, Jainur Adilabad District.
20 Agricultural Market Committee Represented by the Secretary, Jainath Adilabad District.
21 Agricultural Market Committee Represented by the Secretary, Kuber Adilabad District.
22 Agricultural Market Committee Represented by the Secretary, Tandur, Ranga Reddy District.
23 Agricultural Market Committee Represented by the Secretary, Metpally, Karimnagar District.
24 Agricultural Market Committee Represented by the Secretary, Koratla, Karimnagar District.
25 Agricultural Market Committee Represented by the Secretary, Husnabad, Karimnagar District.
26 Agricultural Market Committee Represented by the Secretary, Huzurabad, Karimnagar District.
27 Agricultural Market Committee Represented by the Secretary, Dharmaram, Karimnagar District.
28 Agricultural Market Committee Represented by the Secretary, Zaheerabad, Medak District.
29 Agricultural Market Committee Represented by the Secretary, Siddepet, Medak District.
30 Agricultural Market Committee Represented by the Secretary, Kamareddy Nizamabad District.
31 Agricultural Market Committee Represented by the Secretary, Bodhan Nizamabad District.
32 Agricultural Market Committee Represented by the Secretary, Madnoor Nizamabad District.
33 Agricultural Market Committee Represented by the Secretary, Ghanpur, Warangal District.
34 Agricultural Market Committee Represented by the Secretary, Warangal District and post.
35 Agricultural Market Committee Represented by the Secretary, Karimnagar District and Post.
36 Agricultural Market Committee Represented by the Secretary, Adilabad District and Post.
37 Agricultural Market Committee Represented by the Secretary,

Eluru, West Godavari District.

38 Agricultural Market Committee Represented by the Secretary, Kadiri, AnanthapurDistrict.

39 Agricultural Market Committee Represented by the Secretary, Guntakal, AnanthapurDistrict.

40 Agricultural Market Committee Represented by the Secretary, Kalyandurg, AnanthapurDistrict.

41 Agricultural Market Committee Represented by the Secretary, Uravakonda, AnanthapurDistrict.

42 Agricultural Market Committee Represented by the Secretary, Gooty, AnanthapurDistrict.

43 Agricultural Market Committee Represented by the Secretary, Allagadda, Kurnool District.

44 Agricultural Market Committee Represented by the Secretary, Nandikotkur, Kurnool District.

45 Agricultural Market Committee Represented by the Secretary, Yemmiganur, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more appropriately a Writ of Mandamus to declare the impugned action of the respondents in insisting to take license and to pay the market fee on sale and purchase of "SEEDS" as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding to take license and to pay the market fee on the sale and purchase of all types of seeds for sowing purpose from the petitioner by setting aside the show cause Notice ROC.No.68/2004 dated 31.7.2004 issued by the 4th respondent and also direct the respondents to refund the illegally collected market fee from the petitioner and pass such other order or orders as this Hon'ble Court may fit and proper in the circumstances of he case

Counsel for the Petitioner:MR.K.RAJANNA

Counsel for the Respondents 1 to 3: GP FOR AGRICULTURE

Counsel for the Respondents 4, 5 to 12, and 38 to 45: Sri K.Bhanu Prakash

Counsel for the Respondents 5, 13 and 36: Sri V.V.Narayana Rao

Counsel for the Respondent No.37: Sri K.Madha Reddy

The Court, at the stage of admission, made the following :

ORDER:

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Heard all the learned counsel on record. Perused the material placed before me.

It is brought to the notice of this Court by all the respective counsel that in similar circumstances, a learned Judge of this Court in a batch of writ petitions i.e., W.P.Nos.202, 204, 323, 324, 1085 and 1280 of 2005, following a judgment of this Court rendered in W.P.No.13527 and batch, gave certain directions, which are as under:

a. Seeds developed and manufactured by the petitioners, and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices issued therefore are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

Therefore, this writ petition is also disposed of at the stage of admission in terms of the directions given in the above writ petitions. No costs.

(ELIPE DHARMA RAO,J)

Dated:28.04.2005

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To

1 The Principal Secretary, Government of Andhra Pradesh, Agriculture and cooperation (Marketing) Department , Secretariat, Hyderbad(A.P.,)
2 The Commissioner and director of Marketing, Burgula Ramakrishna Rao Building Near Tank Bund, Hyderbad(A.P.,)
3 The Director General Vigilance and Enforcement Govt of A.P., Burgula

Ramakrishna Rao Building, Near Tank Bund, Hyderbad(A.P.,)
4 The Secretary, Agricultural Market Committee,

KURNOOL - 518003 (A.P)
5 The Secretary, Agricultural Market Committee, NIZAMABAD (Post and District)
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46 2 CCs to the G.P. for Irrigation, High Court of A.P., Hyderabad.

47 2 CD copies.